

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America,)
)
)
Plaintiff)
) Case No. 15 CR 267
v.)
)
Mark E. Laskowski,)
) Amy J. St. Eve
) District Judge
)
Defendant)
)

RULE 17(C)(2) MOTION TO QUASH OR MODIFY THIRD-PARTY SUBPOENA

JT Foxx, by and through his attorneys, KENT MAYNARD & ASSOCIATES LLC, hereby moves this Court for entry of an Order quashing or modifying the Subpoena in this cause issued to him on May 16, 2016; in support hereof, JT Foxx states as follows:

1. On May 16, 2016, this Court issued a subpoena commanding JT Foxx (“Mr. Foxx”) to appear in this Court on August 8, 2016 to testify in this cause (the “Subpoena”).
2. Mr. Foxx first received the Subpoena in June 2016. *See Affidavit of Foxx* attached hereto as Exhibit A, ¶2.
3. Federal Rule of Criminal Procedure 17(c)(2) provides that “on motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.” F.R. Crim. 17(c)(2).
4. Mr. Foxx owns and operates a professional business coaching company and regularly speaks at business training events globally. Invariably, his schedule is very full, with speaking engagements typically booked out six to twelve months in advance. *Id.* at ¶3.

5. Long before he received the Subpoena, Mr. Foxx was scheduled to participate as a speaker in a multi-day speaking tour in South Africa from August 7, 2016 through August 15, 2016 (the “South Africa Tour”). *Id.* at ¶4.

6. Mr. Foxx has a contractual obligation to participate in the South Africa Tour, which was first scheduled in January 2016. *Id.* at ¶5.

7. On information and belief, the participants in the South Africa Tour include many of Mr. Foxx’s clients who are scheduled to fly in from at least sixteen different countries. *Id.* at ¶6.

8. If Mr. Foxx were to fail to attend the South Africa Tour, he would be potentially exposed to substantial liability for breach of contract and suffer significant reputational harm, as a result of the last-minute cancellation of his speaking engagements. *Id.* at ¶7.

9. In addition to the speaking tour in South Africa, Mr. Foxx is contractually required to speak at various engagements scheduled for every day from August 1, 2016 through August 6, 2016 in the cities of Houston, Dallas, Philadelphia and London. *Id.* at ¶8.

10. If Mr. Foxx were compelled to appear in Chicago on August 8, 2016, he estimates that such appearance would result in losses and expenditures to him and his company in excess of \$100,000. *Id.* at ¶9.

11. Mr. Foxx’s primary residence is located in Fort Myers, Florida. *Id.* at ¶10.

12. Before he received the subpoena, Mr. Foxx had booked a non-cancellable vacation to Hawaii from July 19, 2016 through July 31, 2016. *Id.* at ¶11.

13. Mr. Foxx does not regularly conduct business personally in Chicago, and does not regularly travel to Chicago; however, he is scheduled to be in Chicago on the morning of July 18, 2016, prior to his scheduled flight to Hawaii. *Id.* at ¶12.

14. On information and belief, Mr. Foxx has been subpoenaed solely for the purposes of authenticating a single document or set of documents. *Id.* at ¶13.

15. Mr. Foxx therefore respectfully requests that he be permitted to provide whatever testimony be required of him in Chicago, on the morning of July 18, 2016, at whatever location may be designated by the parties to the instant litigation.

16. In the alternative, if Mr. Foxx were compelled to appear in Chicago on August 8, 2016, that appearance would expose him to substantial liability for breach of contract, and would therefore be unreasonably burdensome. *Id.* at ¶14.

WHEREFORE, Mr. Foxx requests that this Court enter an Order i) quashing the Subpoena; or ii) alternatively, modifying the Subpoena to allow Mr. Foxx to testify at a videotaped Evidentiary Deposition on the morning of July 18, 2016; and iii) granting such other relief as this Court deems appropriate and just.

DATED: July 11, 2016

Respectfully submitted,
JT Foxx

By: /s/ Joel Benton Daniel
One of Its Attorneys

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